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ATTORNEY FOR THE DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:)
) **Case No. 13-33404-HDH-7**
Gary Griffith)
)
)
 Debtor.)

**MOTION TO CONVERT CASE TO A CASE UNDER
CHAPTER 11 OF THE BANKRUPTCY CODE**

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET, DALLAS, TEXAS 75242 BEFORE CLOSE OF BUSINESS ON AUGUST 19, 2013, WHICH IS AT LEAST 24 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

Gary Griffith (the "**Debtor**") requests by this motion (the "**Motion**") the entry of an order converting the above-captioned case to a case under Chapter 11 of the United States Bankruptcy Code (the "**Bankruptcy Code**"). In support thereof, the Debtor respectfully represents as follows:

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate and rule governing the relief sought herein are

Bankruptcy Code § 706(a) and Federal Rules of Bankruptcy Procedure 1017(f).

2. On July 2, 2013, a voluntary petition under Chapter 7 of the Bankruptcy Code was filed in this Court by the Debtor.

3. Section 706(a) of the Bankruptcy Code provides that the debtor may convert a case under Chapter 7 of the Bankruptcy Code at any time to a case under Chapter 11, if the case has not been converted under Sections 1112, 1208, or 1307 of the Bankruptcy Code. The Court is requested to take judicial notice that this case has not been converted under Sections 1112, 1208, or 1307 of the Bankruptcy Code previously.

4. The Debtor seeks such conversion in order to propose and confirm a Chapter 11 plan of reorganization.

WHEREFORE, the Debtor respectfully requests entry of an order converting his case to a case under Chapter 11 of the Bankruptcy Code, and granting such other and further relief as this Court may deem just and proper.

Dated: July 25, 2013.

Respectfully submitted,

/s/ William Paul Kennedy

William Paul Kennedy

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COUNSEL FOR THE DEBTOR

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing pleading was served via electronic means to all parties who receive ECF notice in this case and via U.S. First Class Mail, postage prepaid on July 25, 2013.

/s/ William Paul Kennedy
William Paul Kennedy